

**STATE OF CALIFORNIA
CENTRAL COAST REGIONAL WATER QUALITY CONTROL BOARD
895 Aerovista Place, Suite 101
San Luis Obispo, CA 93401-7906**

RESOLUTION NO. R3-2009-0009

**AMENDING THE WATER QUALITY CONTROL PLAN FOR
THE CENTRAL COAST BASIN TO
(1) ADD THE CORRALITOS/SALSIPUEDES CREEK WATERSHED TO
THE DOMESTIC ANIMAL WASTE DISCHARGE PROHIBITION AND
THE HUMAN FECAL MATERIAL DISCHARGE PROHIBITION, AND
(2) ADD THE TOTAL MAXIMUM DAILY LOADS FOR FECAL COLIFORM
IN CORRALITOS AND SALSIPUEDES CREEKS**

WHEREAS, the Central Coast Regional Water Quality Control Board, hereby finds that:

1. The Regional Water Quality Control Board, Central Coast Region, (Central Coast Water Board), adopted the second edition of the Water Quality Control Plan for the Central Coastal Basin (Basin Plan), on September 8, 1994. The Basin Plan designates beneficial uses and water quality objectives, sets forth implementation plans to achieve water quality objectives addressing point source and nonpoint source discharges, describes prohibitions, and incorporates statewide plans and policies.
2. The Central Coast Water Board periodically revises and amends the Basin Plan. The Central Coast Water Board has determined the Basin Plan requires further revision and amendment to: (a) incorporate the Total Maximum Daily Loads for fecal coliform in Corralitos and Salsipuedes Creeks, and (b) add the Corralitos Creek Watershed (including its subwatershed, Salsipuedes Creek Watershed) as a named area subject to the Domestic Animal Waste Discharge Prohibition and the Human Fecal Material Discharge Prohibition.
3. The Central Coast Water Board proposes to amend the Basin Plan by inserting amendments into the following sections:
 - a. Chapter Four, Section IX (Total Maximum Daily Loads)
 - b. Chapter Five, Section IV.B. (Discharge Prohibitions)
4. On May 20, 2004, the State Water Resources Control Board (State Water Board) adopted the *Policy for Implementation and Enforcement of the Nonpoint Source Pollution Control Program* (NPS Policy). The NPS Policy requires the Water Boards to regulate all nonpoint sources of pollution using the administrative permitting authorities provided by the Porter-Cologne Water Quality Control Act. The NPS

Policy allows Regional Water Boards to regulate nonpoint source discharges with Waste Discharge Requirements, Waivers of Waste Discharge Requirements, or Basin Plan Prohibitions.

5. Section 303(d) of the Clean Water Act requires states to identify and prepare a list of water bodies that do not meet water quality standards. Water bodies on the 303(d) list are referred to as listed water bodies, or impaired waters. Section 303(d) of the Clean Water Act requires states to establish TMDLs for listed waterbodies.
6. Corralitos Creek is listed on Clean Water Act 303(d) list as impaired due to non-attainment of existing Basin Plan water quality objectives for fecal coliform.
7. Corralitos Creek is tributary to Salsipuedes Creek. Salsipuedes Creek is not listed as impaired on the Clean Water Act 303(d) list of impaired waters. However, based on recent and historic data, Central Coast Water Board finds that Salsipuedes Creek is impaired due to non-attainment of Basin Plan water quality objectives for fecal coliform. Therefore, this Resolution establishes TMDLs for fecal coliform in both Corralitos and Salsipuedes Creeks.
8. The Corralitos/Salsipuedes Creek watershed is approximately 53 square miles of land. Corralitos Creek is tributary to Salsipuedes Creek, an approximately 6.5 mile long waterbody. The two waterbodies have a confluence approximately 2.25 miles upstream of the Pajaro River. Salsipuedes Creek has a confluence with the Pajaro River, which drains into Monterey Bay.
9. The Central Coast Water Board's goal for establishing TMDLs in the Corralitos/Salsipuedes Creek watershed is to rectify the impairment due to fecal coliform, thereby providing support for the beneficial uses of contact and non-contact water recreation.
10. The elements of a TMDL are described in 40 CFR 130.2 and 130.7 and section 303(d) of the Clean Water Act, and USEPA guidance documents. A TMDL is defined as "the sum of individual waste load allocations for point sources and load allocations for nonpoint sources and natural background" (40 CFR 130.2). The Central Coast Water Board has determined that the TMDLs for fecal coliform in the Corralitos/Salsipuedes Creek watershed are set at levels necessary to attain and maintain the applicable numeric water quality objectives taking into account seasonal variations and any lack of knowledge or uncertainty concerning the relationship between effluent limitations and water quality (40 CFR 130.7 (c) (1)). The regulations in 40 CFR 130.7 also state that TMDLs shall take into account critical conditions for stream flow, loading, and water quality parameters. TMDLs are often expressed as a mass load of the pollutant but can be expressed as a unit of concentration if appropriate (40 CFR 130.2(i)). Expressing these TMDLs as units of concentration is appropriate because an existing concentration-based water quality objective is used as the basis for the TMDL numeric target.

11. Upon establishment of TMDLs by the State or USEPA, the State is required to incorporate the TMDLs, along with appropriate implementation measures, into the State Water Quality Management Plan (40 CFR 130.6 (c)(1) and 130.7; California Water Code sections 13050(j) and 13242). The Basin Plan and applicable statewide plans serve as the State Water Quality Management Plan governing the watersheds under the jurisdiction of the Central Coast Water Board.
12. Central Coast Water Board staff submitted the Project Report for the TMDLs to an external scientific review panel in April 2008. Central Coast Water Board staff edited the Project Report or provided a written response that explained the basis for not incorporating the comments, or the comments did not result in any changes to the proposed Basin Plan Amendment. The TMDLs and implementation plan are based on sound scientific knowledge, methods, and practices in accordance with Health & Safety Code section 57004.
13. Central Coast Water Board staff implemented a process to inform interested persons and the public about the TMDLs. Central Coast Water Board staff's efforts to inform the public and solicit comment included a public meeting and telephone conversations with interested parties. Public notification of the amendment to the Basin Plan occurred for a 45-day period preceding the Central Coast Water Board hearing. Notice of public hearing was given by advertising in newspapers of general circulation within the Region and by mailing a copy of the notice to all persons requesting such notice and applicable government agencies. Relevant documents and notices were also made available on the Central Coast Water Board website. The Central Coast Water Board responded to oral and written comments received from the public. All public comments were considered.
14. Anti-Degradation — The adoption of these TMDLs is consistent with the provisions of the State Water Board Resolution No. 68-16, "Statement of Policy with Respect to Maintaining High Quality of Waters in California" and 40 CFR 131.12.
15. The Central Coast Water Board concurs with the analysis contained in the Final Project Report, the California Environmental Quality Act (CEQA) "Substitute Environmental Document" for the Basin Plan Amendment, including the CEQA Checklist, the staff report and the responses to comments, and finds that these analyses comply with the requirements of the State Water Board's certified regulatory CEQA process, as set forth in California Code of Regulations, Title 23, section 3775 et seq. Furthermore, the Central Coast Water Board finds that these environmental analyses of the reasonably foreseeable methods of compliance fulfill the Central Coast Water Board's obligations attendant with the adoption of regulations "requiring the installation of pollution control equipment, or a performance standard or treatment requirement," as set forth in section 21159 of the Public Resources Code. The Central Coast Water Board's environmental analysis has taken into account a reasonable range of environmental, economic, and technical factors.

16. The Central Coast Water Board will request that the State Water Board approve the Basin Plan amendment incorporating the TMDLs for fecal coliform in the Corralitos/Salsipuedes Creek watershed. The TMDLs and Implementation Plan for the TMDLs will become effective upon approval by The California Office of Administrative Law.
17. The amendments to the Basin Plan may have an effect on fish and wildlife. The Central Coast Water Board will, therefore, forward fee payments to the Department of Fish and Game under the California Fish and Game Code section 711.4.
18. On March 20, 2009 in Salinas, California, the Central Coast Water Board held a public hearing and heard and considered all public comments and evidence in the record.
19. The proposed amendment meets the "Necessity" standard of the Administrative Procedure Act, Government Code, section 11353, subdivision (b).

THEREFORE, be it resolved that:

1. Pursuant to sections 13240, 13241, 13242, 13243, and 13244 of the California Water Code, the Central Coast Water Board, after considering the entire record, including the oral testimony at the hearing, hereby adopts the amendment in "Attachment-Proposed Basin Plan Amendments."
2. The Executive Officer is directed to forward copies of the Basin Plan amendments to the State Water Board in accordance with the requirements of section 13245 of the California Water Code.
3. The Central Coast Water Board requests that the State Water Board approve the Basin Plan amendments in accordance with the requirements of sections 13245 and 13246 of the California Water Code and forward them to the California Office of Administrative Law and the USEPA.
4. The Executive Officer is authorized to transmit payment of the applicable fee as may be required to the Resources Agency.
5. If, during its approval process, Central Coast Water Board staff, State Board staff, the State Water Board or the California Office of Administrative Law determines that minor, non-substantive corrections to the language of the amendment are needed for clarity or consistency, the Executive Officer may make such changes, and shall inform the Central Coast Water Board of any such changes.
6. The environmental documents prepared by the Central Coast Water Board staff pursuant to Public Resources Code 21080.5 are hereby certified.

March 20, 2009

I, Roger W. Briggs, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of the resolution adopted by the California Regional Water Quality Control Board, Central Coastal Region, on March 20, 2009.

Roger W. Briggs
Executive Officer

RESOLUTION NO. R3-2009-0009

ATTACHMENT - PROPOSED BASIN PLAN AMENDMENTS

Revise the September 8, 1994 Basin Plan, as follows:

AMENDMENT NO. 1. ADD THE CORRALITOS/SALSIPUEDES CREEK WATERSHED TO THE HUMAN FECAL MATERIAL DISCHARGE PROHIBITION AND THE DOMESTIC ANIMAL WASTE DISCHARGE PROHIBITION.

Amend Chapter V, section IV.B., by adding the following watershed to the end of the bulleted list of applicable areas of the Domestic Animal Waste Discharge Prohibition, and the Human Fecal Material Discharge Prohibition,

- Corralitos/Salsipuedes Creek watershed

AMENDMENT NO. 2. ADD THE TOTAL MAXIMUM DAILY LOADS FOR FECAL COLIFORM IN CORRALITOS AND SALSIPUEDES CREEKS

Add the following to Chapter IV, after IX.M:

IX. N. TOTAL MAXIMUM DAILY LOADS FOR FECAL COLIFORM IN CORRALITOS AND SALSIPUEDES CREEKS

The Regional Water Quality Control Board adopted these TMDLs on March 20, 2009. These TMDLs were approved by:

The State Water Resources Control Board on _____.
The California Office of Administrative Law on _____. (Insert date)
The U.S. Environmental Protection Agency on _____. (Insert date)

Problem Statement

The Central Coast Water Board concludes that the beneficial use of water contact recreation is not being attained in Corralitos and Salsipuedes Creeks because fecal coliform concentrations exceed existing Basin Plan numeric water quality objectives protecting this beneficial use. The impaired reaches are: (1) All reaches of Corralitos Creek downstream of Browns Valley Bridge, and (2) all reaches of Salsipuedes Creek.

Numeric Target

Fecal coliform concentration, based on a minimum of not less than five samples for any 30-day period, shall not exceed a log mean of 200 MPN per 100 mL, nor shall more than 10 percent of samples collected during any 30-day period exceed 400 MPN per 100 mL.

Source Analysis

The relative order of controllable sources contributing fecal coliform to Corralitos and Salsipuedes Creeks, in decreasing order of contribution, are: (1) storm drain discharges to municipally owned and operated storm sewer systems required to be covered by an NPDES permit (MS4s), (2) homeless person/encampment discharges (not regulated by a permit for storm water discharges), (3) pet waste (not regulated by a permit for storm water discharges), (4) farm animal and livestock discharges, (5) onsite wastewater system discharges, (6) sanitary sewer collection system spills and leaks, and (7) private sewer laterals connected to municipal sanitary sewer collection systems.

TMDLs and Allocations

The TMDLs for all impaired waters of Corralitos and Salsipuedes Creeks are concentration-based TMDLs applicable to each day of all seasons equal to the following:

Fecal coliform concentration, based on a minimum of not less than five samples for any 30-day period, shall not exceed a log mean of 200 MPN per 100 mL, nor shall more than 10 percent of samples collected during any 30-day period exceed 400 MPN per 100 mL.

The allocations to responsible parties are shown in Table IX.N-1.

Table IX – N-1. Allocations and Responsible Parties

<u>Waterbody Assigned Allocation</u>	<u>Responsible Party (Source Organism or Source Category)</u>	<u>Receiving Water Fecal Coliform Allocation</u>
WASTE LOAD ALLOCATIONS		
<u>Corralitos¹ and Salsipuedes Creeks²</u>	<u>Santa Cruz County and City of Watsonville (Storm drain discharges to municipally owned and operated storm sewer systems required to be covered by an NPDES permit WQ Order No. 2003-0005-DWQ (MS4s))</u>	<u>Wasteload Allocation 1</u>
<u>Corralitos¹ and Salsipuedes Creeks²</u>	<u>Freedom County Sanitation District (Corralitos Creek only) and Salsipuedes Sanitary District (Salsipuedes Creek only) (Sanitary sewer collection system spills and leaks required to be covered by WDR Order No. R3-2003-0041)</u>	<u>Wasteload Allocation 2</u>
<u>Corralitos¹ and Salsipuedes Creeks²</u>	<u>Owners of private sewer laterals (Private sewer laterals connected to municipal sanitary sewer collection system)</u>	<u>Wasteload Allocation 2</u>
LOAD ALLOCATIONS		
<u>Corralitos¹ and Salsipuedes Creeks²</u>	<u>Owners and/or operators of land that have homeless persons/encampments (Discharges from homeless persons/encampments not regulated by a permit for storm water discharges)</u>	<u>Load Allocation 2</u>
<u>Corralitos¹ and Salsipuedes Creeks²</u>	<u>Owners/operators of land used for/containing pets (Pet waste not regulated by a permit for storm water discharges)</u>	<u>Load Allocation 1</u>
<u>Corralitos¹ and Salsipuedes Creeks²</u>	<u>Owners of land used for/containing farm animals/livestock (Farm animals and livestock waste discharges)</u>	<u>Load Allocation 1</u>
<u>Salsipuedes Creek (upstream of confluence with Corralitos Creek)</u>	<u>Owners of onsite wastewater systems whose systems are within the specified area³ (Onsite wastewater system discharges)</u>	<u>Load Allocation 2</u>
<u>Corralitos¹ and Salsipuedes Creeks²</u>	<u>Natural sources</u>	<u>Load Allocation 1</u>
<p>Wasteload/Load Allocation 1: Fecal coliform concentration, based on a minimum of not less than five samples for any 30-day period, shall not exceed a log mean of 200 MPN/100mL, nor shall more than ten percent of total samples during any 30-day period exceed 400 MPN/100 mL.</p> <p>Wasteload/Load Allocation 2: Allocation of zero; no fecal coliform bacteria load originating from human sources of fecal material is allowed.</p>		

¹ All reaches of Corralitos Creek downstream of Browns Valley Bridge

² All reaches of Salsipuedes Creek

³ The specified area is within the boundaries of State Highway 152 to the southeast, Foothill Road to the northeast (excluding assessor parcel numbers 05155107 and 05155106), Salsipuedes Creek to the northwest, and up to, but not including The County Fairgrounds to the southwest.

The parties responsible for the allocations to controllable sources are not responsible for the allocation to natural sources.

Margin of Safety

A margin of safety is incorporated implicitly in the TMDLs through conservative assumptions.

Implementation

STORM DRAIN DISCHARGES

The Central Coast Water Board will address fecal indicator bacteria (FIB), e.g., fecal coliform and/or other indicators of pathogens, discharged from the County of Santa Cruz's and City of Watsonville's municipal separate storm sewer system by regulating the County of Santa Cruz and City of Watsonville under the provisions of the State Water Resource Control Board's General Permit for the Discharges of Storm Water from Small Municipal Separate Storm Sewer Systems (General Permit) (NPDES No. CAS000004). The proposed enrollment date for the County of Santa Cruz and City of Watsonville under the General Permit as a small municipal separate storm sewer system (MS4) is March 2009. As enrollees, the County of Santa Cruz and City of Watsonville must develop and implement a Storm Water Management Plan (SWMP) that controls urban runoff discharges into and from its MS4. To address the County of Santa Cruz's and City of Watsonville's TMDL waste load allocation, the Central Coast Water Board will require the County of Santa Cruz and City of Watsonville to specifically target FIB in urban runoff through incorporation of a Wasteload Allocation Attainment Plan in its SWMP.

The Central Coast Water Board will require that the Wasteload Allocation Attainment Plans describe the actions that will be taken by the County of Santa Cruz and City of Watsonville to attain the TMDL wasteload allocations, and specifically address:

1. Development of an implementation and assessment strategy;
2. Source identification and prioritization;
3. Best management practice identification, prioritization, implementation, analysis, and effectiveness assessment;
4. Monitoring program development and implementation;
5. Reporting; including evaluation whether current best management practices are progressing towards achieving the wasteload allocations by thirteen years after the TMDLs are approved by the Office of Administrative Law.
6. Coordination with stakeholders; and
7. Other pertinent factors.

The Wasteload Allocation Attainment Plan will be required by the Central Coast Water Board to address each of these TMDLs that occur within the County of Santa Cruz's and City of Watsonville's jurisdiction.

The Central Coast Water Board will require that the Wasteload Allocation Attainment Plan be submitted at one of the following milestones, whichever occurs first:

1. Within one year of approval of the TMDLs by the Office of Administrative Law;
2. When the second storm water annual report is due; or
3. When required by any other Water Board-issued storm water requirements (e.g., when the Phase II Municipal Storm Water Permit is renewed).

For those MS4 entities that are enrolled under the General Permit at the time of submittal, the Wasteload Allocation Attainment Plans must be incorporated into the SWMPs when they are submitted. For those MS4 entities that are not enrolled under the General Permit at the time of submittal, the Wasteload Allocation Attainment Plans must be incorporated into the SWMPs when the SWMPs are approved by the Central Coast Water Board.

The Executive Officer or the Central Coast Water Board will require information that demonstrates implementation of the actions described above, pursuant to applicable sections of the California Water Code and/or pursuant to authorities provided in the General Permit for storm water discharges.

HOMELESS PERSON/ENCAMPMENT DISCHARGES NOT REGULATED BY A PERMIT FOR STORM WATER DISCHARGES

Owners and/or operators of lands with activities of homeless people that could discharge waste containing human fecal material to surface waters of the State in the Corralitos/Salsipuedes Creeks watershed must comply with the Human Fecal Material Discharge Prohibition.

Owners and/or operators of lands with activities of homeless people must demonstrate to the satisfaction of the Executive Officer or the Water Board that they are in compliance with the Human Fecal Material Discharge Prohibition; compliance with the Human Fecal Material Discharge Prohibition implies compliance with the load allocation for these TMDLs.

Within three years of approval of these TMDLs by the Office of Administrative Law, the Executive Officer will notify owners and/or operators of lands with activities of homeless people (owner/operators) of the requirement to comply with the Human Fecal Material Discharge Prohibition. In his notification, the Executive Officer will also describe owner's/operator's options for demonstrating compliance with the Human Fecal Material Discharge Prohibition; pursuant to California Water Code 13267 and within six months of the notification by the Executive Officer, owner/operators will be required to submit the following for approval by the Executive Officer or the Water Board:

- 1) Clear evidence that the owner/operator is and will continue to be in compliance with the Human Fecal Material Discharge Prohibition; clear evidence could be demonstration that homeless persons are not, and will not, occupy the premises, or
- 2) A schedule for compliance with the Human Fecal Material Discharge Prohibition.

The compliance schedule must include a monitoring and reporting program and milestone dates demonstrating progress towards compliance with the Human Fecal Material Discharge Prohibition, with the ultimate milestone being compliance with the Human Fecal Material Discharge Prohibition no later than three years from the date of the Executive Officer's notification to the owner/operator requiring compliance, or

- 3) Submittal of a Report of Waste Discharge pursuant to California Water Code Section 13260 (as an application for waste discharge requirements; WDRs).

DOMESTIC ANIMAL DISCHARGES NOT REGULATED BY A PERMIT FOR STORM WATER DISCHARGES

Owners and/or operators of lands containing domestic animals in the Corralitos/Salsipuedes Creeks watershed must comply with the Domestic Animal Waste Discharge Prohibition; compliance with the Domestic Animal Waste Discharge Prohibition implies compliance with the load allocation for this TMDL. Owners and/or operators of lands containing domestic animals must demonstrate compliance with the Domestic Animal Waste Discharge Prohibition by: submitting documentation demonstrating, to the satisfaction of the Executive Officer, that there are no discharges to surface waters that contain fecal material from domestic animals originating from the owner's and/or operator's land.

Owners and/or operators may be exempt from compliance with the Domestic Animal Waste Discharge Prohibition if they:

1. Submit a nonpoint source pollution control implementation program (Program) for approval by the Executive Officer that is consistent with the *Policy for Implementation and Enforcement of the Nonpoint Source Pollution Control Program, May 20, 2004*, as amended or replaced. Such a Program must include a list of specific management practices that will be implemented to control discharges containing fecal material from domestic animals. The Program must also describe how implementing the identified management practices are likely to progressively achieve the load allocations to domestic animals, with the ultimate goal of achieving the load allocations no later than thirteen years after Office of Administrative Law approval of the TMDLs. The program must include monitoring and reporting to the Central Coast Water Board and milestone dates demonstrating progress toward achieving load allocations for discharges from domestic animals, and a self-assessment of this progress, or,
2. Comply with Waste Discharge Requirements, or an NPDES permit, or conditional waivers of waste discharge requirements that explicitly address compliance with the Total Maximum Daily Loads for Fecal Coliform in the Corralitos/Salsipuedes Creeks watershed (R3-2009-0009).

Within three years of TMDL approval by the Office of Administrative Law, the Executive Officer will notify owners and/or operators of lands used for/containing domestic animals of the requirement to 1) comply with the Domestic Animal Waste Discharge Prohibition,

or 2) apply for exemption from the Domestic Animal Waste Discharge Prohibition as described above.

ONSITE WASTEWATER SYSTEM DISCHARGES

Owners of onsite wastewater systems within the following described area must comply with the Human Fecal Material Discharge Prohibition. The subject implementation area is within the boundaries of State Highway 152 to the southeast, Foothill Road to the northeast (excluding assessor parcel numbers 05155107 and 05155106), Salsipuedes Creek to the northwest, and up to but not including The County Fairgrounds to the southwest.

Owners of onsite wastewater systems must demonstrate to the satisfaction of the Executive Officer or the Water Board that they are in compliance with the Human Fecal Material Discharge Prohibition; compliance with the Human Fecal Material Discharge Prohibition implies compliance with the load allocation for these TMDLs.

Within three years of approval of these TMDLs by the Office of Administrative Law, the Executive Officer will notify owners of onsite wastewater systems (owners) in the area described above of the requirement to comply with the Human Fecal Material Discharge Prohibition. In his notification, the Executive Officer will also describe owner's options for demonstrating compliance with the Human Fecal Material Discharge Prohibition; pursuant to California Water Code 13267 and within six months of the notification by the Executive Officer, owners will be required to submit the following for approval by the Executive Officer or the Water Board:

- 1) Clear evidence that the owner is and will continue to be in compliance with the Human Fecal Material Discharge Prohibition; clear evidence could be certification by the County of Santa Cruz, or similar, that the owners onsite wastewater system is in compliance with the Human Fecal Material Discharge Prohibition, or
- 2) A schedule for compliance with the Human Fecal Material Discharge Prohibition. The compliance schedule must include a monitoring and reporting program and milestone dates demonstrating progress towards compliance with the Human Fecal Material Discharge Prohibition, with the ultimate milestone being compliance with the Human Fecal Material Discharge Prohibition no later than three years from the date of the Executive Officer's notification to the owner requiring compliance, or
- 3) Submittal of a Report of Waste Discharge pursuant to California Water Code Section 13260 (as an application for waste discharge requirements; WDRs).

SALSIPUEDES SANITARY DISTRICT AND FREEDOM COUNTY SANITATION DISTRICT SEWER COLLECTION SYSTEM SPILLS AND LEAKS

The Freedom County Sanitation District (FCSD) and the Salsipuedes Sanitary District (SSD) in the Corralitos/Salsipuedes Creeks watershed must comply with the Human

Fecal Material Discharge Prohibition; compliance with the Human Fecal Material Discharge Prohibition implies compliance with their load allocation for this TMDL.

To comply with the Human Fecal Material Discharge Prohibition, the FCSD and the SSD must continue to implement their Collection System Management Plan and Infiltration/Inflow and Spill Prevention Program (herein referred to as the Plan and Program), respectively, as required by Waste Discharge Requirements (WDRs) (Order No. R3-2003-0041).

In addition, the FCSD and SSD are also required to improve maintenance of their sewage collection systems, including identification, correction, and prevention of sewage leaks in portions of the collection systems that run through or adjacent to, impaired surface waters within the Corralitos/Salsipuedes Creek Watershed.

To this end, within six months following adoption of this TMDL by the Office of Administrative Law, the Executive Officer will issue a letter pursuant to Section 13267 of the California Water Code requiring: 1) submittal within one-year, a technical report that describes how and when FCSD and SSD will conduct improved collection system maintenance in portions of the collection system most likely to affect impaired surface water bodies, with the end result being compliance with the Human Fecal Material Discharge Prohibition, and 2) stream monitoring for fecal coliform or another fecal indicator bacteria, and reporting of these monitoring activities, and 3) annual reporting of self-assessment as to whether the FCSD and SSD are in compliance with the Human Fecal Material Discharge Prohibition.

PRIVATE SEWER LATERALS CONNECTED TO MUNICIPAL SANITARY SEWER COLLECTION SYSTEMS

Individual owners and operators of private laterals to sanitary sewer collection systems are ultimately responsible for maintenance of their private laterals and are, therefore, responsible for complying with the Human Fecal Material Discharge Prohibition; compliance with the Human Fecal Material Discharge Prohibition implies compliance with their load allocation for these TMDLs.

Within three years of approval of these TMDLs by the Office of Administrative Law, the Executive Officer will notify owners and/or operators of private laterals to sanitary sewer collection systems (owners/operators of private laterals) of the requirement to comply with the Human Fecal Material Discharge Prohibition. In his notification, the Executive Officer will also describe the owner's/operator's of private laterals options for demonstrating compliance with the Human Fecal Material Discharge Prohibition; pursuant to California Water Code section 13267 and within six months of the notification by the Executive Officer, owners/operators of private laterals will be required to submit the following for approval by the Executive Officer or the Water Board:

- 1) Clear evidence that the owner/operator of private lateral is and will continue to be in compliance with the Human Fecal Material Discharge Prohibition; clear evidence could be certification by the County of Santa Cruz or City of Watsonville

- that owner/operator of private lateral is in compliance with the Human Fecal Material Discharge Prohibition, or
- 2) A schedule for compliance with the Human Fecal Material Discharge Prohibition. The compliance schedule must include a monitoring and reporting program and milestone dates demonstrating progress towards compliance with the Human Fecal Material Discharge Prohibition, with the ultimate milestone being compliance with the Human Fecal Material Discharge Prohibition no later than three years from the date of the Executive Officer's notification to the owner/operator requiring compliance, or
 - 3) Submittal of a Report of Waste Discharge pursuant to California Water Code Section 13260 (as an application for waste discharge requirements; WDRs or National Pollutant Discharge Elimination System (NPDES permit)) or,
 - 4) Clear evidence of current or scheduled compliance with the Human Fecal Material Discharge Prohibition (as described in number-1 and number-2 above, respectively) through the submittal of the required information by County of Santa Cruz or the City of Watsonville, acting as the voluntary agents of owners/operators of private laterals. Note that an owner/operator of a private lateral cannot demonstrate compliance with the Human Fecal Material Discharge Prohibition through this option if: 1) the County of Santa Cruz or the City of Watsonville is not their voluntary agent, or 2) if the owner/operator of the private lateral does not choose the County of Santa Cruz or the City of Watsonville as their agent, or, 3) the Executive Officer or Water Board does not approve the evidence submitted by the County of Santa Cruz or the City of Watsonville on behalf of the owners/operators of private laterals.

Tracking and Evaluation

Every three years, beginning three years after TMDLs are approved by the California Office of Administrative Law, the Central Coast Water Board will perform a review of implementation actions, monitoring results, and evaluations submitted by responsible parties of their progress towards achieving their allocations. The Central Coast Water Board will use annual reports, nonpoint source pollution control implementation programs, evaluations submitted by responsible parties, and other available information to determine implementation progress toward achieving the allocations and the numeric target.

The Central Coast Water Board may conclude that ongoing implementation efforts are insufficient to ultimately achieve the allocations and numeric target. If the Central Coast Water Board makes this determination, responsible parties must improve and increase their reporting, monitoring, and/or implementation efforts, as necessary, for their allocations and the numeric target to be achieved. The Central Coast Water Board may conclude, at the time of review, that implementation efforts are expected to result in achieving the allocations and numeric target. In that case, responsible parties must continue to implement existing and anticipated reporting, monitoring, and implementation efforts.

Responsible parties will continue monitoring and reporting according to this plan for at least three years, at which time the Central Coast Water Board will determine the need for continuing or otherwise modifying the monitoring requirements. Responsible parties may also demonstrate that although water quality objectives are not being achieved in receiving waters, controllable sources of fecal indicator bacteria are not contributing to the exceedance. If this is the case, the Central Coast Water Board may re-evaluate the numeric target and allocations. For example, the Central Coast Water Board may pursue and approve a site-specific objective. The site-specific objective would be based on evidence that natural, or background sources alone were the cause of exceedances of the Basin Plan water quality objective for fecal indicator bacteria.

Three-year reviews will continue until the TMDLs are achieved. The compliance schedule for achieving the allocations and numeric target required under these TMDLs is 13 years after the date of approval by the California Office of Administrative Law.